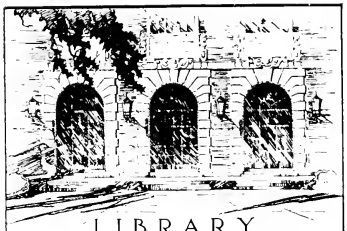

THE

PARLIAMENTARY PROVIDENCE

OF

COMPENSATION.

WITH HISTORICAL REFERENCES.

BY

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THE PARLIAMENTARY PROVIDENCE OF COMPENSATION.

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IN these days, when, to use Mr. Disraeli's words, written eight years ago, "every trade is harassed, every profession worried, and every institution menaced," which (as *we* will add) is not founded on the principles of justice between man and man—when, in fact, no inveterate abuse is spared solely on the score of its inveteracy; those who are unable to appreciate the fact that the *power* to do an injurious act does not confer the *right* to do it,—even though no law expressly forbids it,—view with uneasy feelings the onward march within the nation of those sentiments of justice towards the oppressed, which menace every institution, proved by experience to be a source of any abuse or injustice.

When public opinion reaches to such a height that almost all who are pecuniarily interested in the perpetuation of the present state of things are compelled to see that some change is imminent, one most certain cry is raised by them and their friends, at first in the hope of staying the onsweeping movement of public condemnation, and when that hope fails, the same cry is urged with the earnestness of despair: "If you take from us our rights [they ought to say 'our power'], we must be compensated."

This cry was raised ninety years ago, when the African Slave Trade to the West Indies, with the horrors of the Middle Passage, was assailed, and ultimately abolished.

It was raised again when, in 1823, Canning's Resolutions for the Amelioration of the Condition of West Indian Slaves passed the House of Commons: "If you take from us our right (!) to work our slaves to death, you must compensate us."

It was raised again, in 1833, when Colonial Slavery was abolished; and to-day Irish landlords, no longer allowed to rack-

rent their tenants, and then by eviction to secure the fruit of their toil, join in the cry: "Our rights (!) are taken away, we must be compensated."

So again the Licensed Victuallers, observing the fast-rising wave of public opinion surging against the ramparts of "The Trade," have begun to cry "Compensation."

The purpose of this pamphlet is not to discuss the justice or injustice of granting compensation to any of these claimants, whether in the past, present, or future; but inasmuch as the vote of Twenty Millions sterling in 1833 to the various Colonies is THE ONE PRECEDENT on which all these claimants rely, it is our purpose to investigate the circumstances of that Grant, with the view of ascertaining how far the precedent is applicable to the claims now beginning to be preferred.

Did Parliament compensate the West Indian planters? If so, why?

There are those who hold that the contemplated loan of fifteen millions sterling, which developed into a gift of twenty millions sterling, was not strictly compensation, but was given to the planters *pro misericordiâ*, in compassion for the ruin brought upon the Islands.

What are the facts?

The teaching of the French philosophers of one hundred years ago had not been confined in its ramifications to the nation among whom, and the soil upon which, it found its birthplace.

First of all, it bore fruit among the transatlantic North American Provinces of his Majesty King George III. It reacted with terrific energy in its native home. Thence it echoed back to the Island possessions of the French Republic across the Atlantic wave.

The deductions of the black population of San Domingo (Hayti) were far too logical for their old masters in "La Belle France." But again the teachings of the philosophers triumphed: the negro established his republic, and, through dire scenes of slaughter, the Haytian became free.

All this tumult, all this ebullition of force and passion, could not be without their effect on the negro mind in the other West Indian colonies.

Constant anxiety, restless fear, perturbed the minds of planters

abroad and British Governments at home. The idea of having to send out British soldiers to put down a servile insurrection was too monstrous for any British Ministry to contemplate with calmness. How could an English army be sent to Jamaica to rivet on the black man, fetters which our English judges were declaring to be contrary to English law?

Add to this the persistency of the Abolitionist orators in and out of Parliament, and can we wonder that the Colonial Legislatures came to feel that they were sitting on the edge of a volcano? Not surprising that in some islands discipline could hardly be enforced for fear of an outbreak; the slave's value was becoming nominal, sugar-culture ceased to pay, and financial collapse appeared imminent.

Vainly for twenty years had the Imperial Legislature passed Acts for ameliorating the condition of the slaves, and urged their adoption on the Colonial Legislatures; the latter either dared not adopt them, lest the very act should be like carrying a lighted match into a powder magazine, or were too supine, or too haughty to learn the lesson which onlookers were better able to discern.

At this crisis a wholly distinct agitation had led to the Reform Act of 1832. A new Parliament is gathered under its provisions. Many new members are returned pledged to vote for the abolition of slavery in the West Indian Islands. Rotten boroughs and pocket boroughs have been disfranchised. West India proprietors, who had been able to hold their own in the unreformed Parliament, find themselves few and far between in the newly-filled ranks of the Reformed Parliament.

Such was the political situation at home. Meanwhile, what was the financial condition of the planters? An inquiry into this question reveals to us that the cry for compensation was no new thing. Not only, as we have already observed, was the cry raised in the closing years of the last century, but in more recent times it had become chronic. Did a tornado desolate the islands, a plea, and a successful plea, for Parliamentary compensation was made. Did the Parliament pass resolutions requesting the Colonial Legislature to provide for amelioration of the condition of the slave, at once came back the cry, What compensation for the consequent loss to the planter through diminished control over his slaves? Worse still, Parliament was unable to approach the question with

a clear conscience. Although in 1833—the year of the Emancipation Act—no less than eighteen years had elapsed since the close of the great European struggle, still the war taxes on Colonial produce were levied in the ports of this country.

Year by year had the representatives of the West Indian interest laid before Parliament and the Ministries the sore disadvantage under which the Islands laboured, with these war taxes pressing on their industries. All in vain. Minister after Minister had declared the impossibility of surrendering these imposts; although the redoubtable Joseph Hume had enlisted himself on the side of the planters, still nothing was done. Ministers were satisfied that coffee and sugar were luxuries beyond the reach or wants of the masses of this country, and could see no prospect that a reduction in the tariff could possibly so increase the imports as that the revenue should not suffer.

The consequence of all this was as we have already implied. Up to the very last session of the unreformed Parliament, Ministers and Parliament alike had an uneasy sense that the commercial prosperity of the Islands had been sacrificed to the financial necessities of the mother country, and it was morally impossible for any Ministry to contemplate the aiming another blow, in the form of slave emancipation, at the planters' interests, without a full conviction that compensation must be a concomitant of such emancipation.

But what of the English nation all this time? The great question of Parliamentary Reform had been all-absorbing. The slavery abolitionists had been but as "a voice crying in the wilderness:" they had their faithful followers, but the *nation* was otherwise occupied.

Finally, the blow came from an unexpected quarter. While the eyes of politicians and emancipationists alike had been fixed on the West, it was from the Eastern hemisphere that the doom of the system came. The horrible cruelties of Mauritius proprietors made every ear tingle, London audiences were roused, the "Agency Committee" leapt into existence, and in a few weeks the country was aflame from end to end.

The time was ripe, Reform was accomplished, and the ears of the country were open to the woes of the African. The unreformed House of Commons came to an end; the new House

came in pledged to Abolition. The majority of members thus pledged were known to be largely amenable to the wishes of their constituents on the general points of the Abolition question.

Mr. Buxton early announced his intention of moving a resolution on the question. His motion was only staved off by a promise on the part of Ministers to deal with the subject forthwith. The day fixed was 23rd April, 1833, subsequently changed to 14th May, 1833.

The doctrine of the Abolitionists throughout the country had been that slavery was a crime before God, and consequently that its abolition must be *immediate* and *unconditional.* This doctrine disowned compensation; it reprobated it as an indirect participation in the crime. Be the doctrine true or false, it was through its propagation unflinchingly that an anti-slavery House of Commons had been returned.*

But Government avowed compensation to be the basis of their forthcoming scheme. Who shall give way? We have just described the character of the teaching of the Abolitionists, who had returned the anti-slavery House of Commons; but was this the attitude of the old Anti-Slavery Society?

In 1831 that society published an elaborate disquisition on the subject of "Compensation," from which we subjoin the following extract.

(From the *Anti-Slavery Monthly Reporter*, 1831 ; vol. iv. pp. 89-92.)

Now it is perfectly true that we have never hesitated to admit that the owners of slaves, in the case of their slaves being emancipated by an Act of the British Parliament, have a right to prefer, and, if they can, to establish a claim to compensation ; and that if they succeed in establishing such a claim, Parliament is bound to indemnify them.

But we have never admitted, nor indeed do we believe, that it will be in their power to establish such a claim, at least to any material extent. Still they have a right to do so if they can. . . . .

A similar indulgence, but similarly restricted, seems fairly due to every class of claimants who may think themselves aggrieved by any measure of national policy ; and we know of no reason which ought to exclude the owners of slaves from a fair and equitable consideration of their claim to indemnity from the consequences of an act of emancipation, if such an act should be

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*Sir George Stephen's Letters to Harriet Beecher Stowe, *Anti-Slavery Recollections*, Letter XIII. page 190.

passed by the imperial legislature. What the result of such an application would be is a perfectly different question, and must depend on the peculiar circumstances of the case.

Thus it was in the instance of the Slave Trade. The proposal to abolish it was met by petitions from the West Indians at home and abroad, to the full as strong either as that lately presented by the Marquis of Chandos, or that which now lies for signatures at the Jamaica Coffee House, claiming indemnity to a very large amount. Seventy millions sterling was the lowest sum at which in 1792 the planters rated the injury about to be inflicted on them, and they insisted on having the indemnity secured before one step was taken towards abolishing the slave trade. But what was the language at that time held towards the claimants by His Majesty's Government. On the 3rd of April, 1792, when the resolution was first adopted of abolishing the slave trade, Mr. Pitt, in reply to the clamourers of that day for indemnity, observed that he was very far from meaning to exclude the question of indemnification, on the supposition of possible disadvantage affecting the West Indians through the abolition of the slave trade. "But when gentlemen," he added, "set up a claim of compensation merely on general allegations, which is all I have yet heard, I can only answer, let them produce their case, and if, upon any reasonable grounds, it shall claim consideration, it will then be the time for Parliament to decide upon it."

Again in 1807, when a Bill for abolishing the slave trade had already passed the House of Lords, and was actually brought into the House of Commons by Earl Grey, then Lord Howick, the West Indians came forward as now to claim compensation. Utter ruin to all their interests, the total loss of their income and their property, they said, would be the inevitable consequences of the measure. Not only would there be insurrection and massacre throughout the whole of our slave colonies (the very language now employed to frighten the public out of their wits), but indemnity would be required to the extent of at least one hundred millions.* They requested to be heard by counsel, and counsel were heard at the bar of the House of Commons, as they had also been at the House of Lords, in support of their extravagant claims; and their cause was ably pleaded by Mr. Dallas, the late Chief Justice, Mr. Alexander, the late Chief Baron of the Exchequer, and Mr. Scarlett, the late Attorney-General, now Sir James Scarlett. But what on that occasion was the language of Viscount Howick? It was to this effect: He did not deny that the apprehended loss which this measure might eventually cause might become a fair question of future consideration. Let those who may conceive themselves entitled to demand compensation submit their case to the House, and if that case should be established, the House would never be backward in listening to the claims of justice. He stated this as a general principle. The West Indians, however, were not satisfied with this assurance, and Mr. Manning, in giving notice that he should proceed to move for a Committee to consider of the com-

* See debates in Parliament in 1791 and 1792, and in 1806 and 1807.

pensation to be granted, in the event of the Bill passing, to those whose interests would be affected by it, begged to know from Lord Howick, whether His Majesty's ministers were authorised to assent to such a proceeding. Lord Howick's reply was, that it was contrary to the practice of Parliament to declare *beforehand* what might be the amount of compensation to be granted for possible losses by any general measures of political regulation or national policy which Parliament might adopt, and that therefore he was not authorised to consent to such a Committee. The Bill accordingly passed without any express provision being made, beyond this general verbal assurance, for compensating the eventual sufferers. The doors of Parliament, however, were left completely open to their representations. And what has been the result? To this hour, after a lapse of twenty-four years, not only has not a single claim for compensation been established by any one of those then noisy claimants; but not one has even been preferred. . . . . .

Let it not be supposed, however, that we mean to retract anything we have said as to the right of the owners of slaves to prefer, and if they can, to establish their claim to compensation. We admit that right, as we have always done, in the most explicit manner. But still we say with Mr. Pitt and with Earl Grey that the time for indemnity is not yet come, and that it can only be given when injury shall be proved to have been sustained.

In the case of the abolition of the slave trade, that measure of national policy which the planters alleged would ruin them, and for which they demanded compensation, has proved, by their own admission, an advantage instead of an injury. They have not only incurred no loss, but they have been gainers, by the measure. Now surely to have awarded, on the mere allegation of a set of claimants, compensation *beforehand* in such a case would have been a somewhat preposterous proceeding. The general assurance that if loss were actually incurred by the operation of the measure it would be fairly and equitably considered, and liberally indemnified, was all that could be reasonably demanded; and it was therefore all which, in the wisdom of Government and Parliament, it was thought necessary at that time to concede. . . . . .

Both the cases are cases of national crime [sin] of a very deep dye, and which ought in justice to be put down at whatever cost. The allegations of danger and loss, too, are of the same nature, &c.

From the foregoing we see that, while that development of the Anti-Slavery Society, which assumed the name of the "Agency Committee," and roused the entire nation, steadfastly repudiated the idea of compensation, the old society had always treated it as a matter open to discussion, yet persistently regarding it as a question to be dealt with *subsequent* to legislation on the main question of Emancipation, in accordance with the principles laid down by Mr. Pitt in 1792, and by Lord Howick in 1807.

It does not fall within our scope in this paper to recount in

detail the process by which the more active abolitionists were brought, in 1833, to give way before the purpose of the Government. Let it suffice to say that the one reason for their so doing was the unwillingness to prolong for even a year or two (at the end of which time they were confident unconditional abolition would be within their reach), the agony of the situation both in the Mauritius and the West India Islands.

It seems desirable here to somewhat enlarge on the statement already made that compensation to West Indian planters was no new cry in the House of Commons.

As already stated, every proposal of legislation that could be at all construed as prospectively and possibly diminishing the amount of labour that a planter could, by the extremest stretch of his autocratic rule, get out of his slaves, was at once met by a demand for compensation for such supposed future loss.

A clear appreciation of this fact will enable the student to understand how it happened that, when compensation began to be claimed in the House of Commons in connection with emancipation, it was not claimed, as is commonly supposed, as the price of the slaves, as though they were a property in the hands of the planter which the Government proposed to take from him. No; however fully such an idea may have been latent in the minds of the representatives of the West Indian interest in the House, the claim was always, in the first instance, urged on the basis of compensation for increased difficulties of production consequent on the partial (if increasing) withdrawal of forced labour from the planters.

Consequently, we find that when on 14th May, 1833, Mr. Secretary Stanley—who had succeeded Lord Howick as Secretary for the Colonies—moved the Abolition Resolutions, he stated that :—

> His Majesty's Ministers proposed to advance to the West India Body a loan to the amount of ten years' purchase of this annual profit (viz., net profit of sugar cultivation, £1,200,000 a-year ; rum and coffee, £250,000 or £300,000 a-year ; total, £1,500,000) ; or, in other words, a loan of £15,000,000.

Thus it will be seen, not only was the original proposal a loan (albeit a loan which the next sentence but one explained might be converted into a gift), but a loan with a view to a compensation not calculated on the value of the slave, but on the value of the profit on the slave-grown productions of the Islands.

This aspect of the question was, throughout, the one kept steadfastly before the House of Commons. Mr. Secretary Stanley, on the resumption of the debate on 10th June, 1833, stated :—

> He was well aware that there were many gentlemen who would be willing enough to pay the present proprietors of West India property such an amount of compensation as would cover the loss which they should ultimately be able to prove resulted from this measure. He confessed it was a matter of extreme difficulty to ascertain what the amount of that compensation ought to be. A strong necessity was imposed on that House to look at this question of money compensation from a liberal and comprehensive point of view.

A week earlier, Lord Sandon (at that time late Under-Secretary of State for the Colonies) had read to the House the Resolutions which had been adopted that morning by a number of members of Parliament who had met at his house, and stated that the acting committee of the West Indian proprietors had assented to them.

These resolutions demanded £20,000,000 for compensation, and a loan of £10,000,000 to enable the planters to get free from mortgages, &c., on their estates.

Mr. William Ewart Gladstone, following Lord Sandon, "trusted the House would make a point to adopt the principle of compensation;" and Sir Robert Peel admitted "the just claim of the planters to compensation on fair and equitable terms."

Four days previously Sir Richard Vyvyan spoke of the indirect representation in that House which the planters had enjoyed previous to the Reform Act, and pointed out that it had practically ceased now. He also read to the House the demand of the Jamaica Legislative Assembly for full compensation.

It is needless to multiply quotations. Suffice it to say that the student of the Parliamentary history of that time may clearly discern that while most careful to avoid any reference to the War of Independence, the Ministry of the day made the proposals which they did—with the recollection of the revolt of the North American Colonies clearly present to their minds—with a consciousness that they would be running extreme risks if their opponents should take up the cry that they were legislating adversely to the interests of "the now unrepresented colonies."

Ministers were evidently extremely anxious to get the Colonial Legislatures to unite with the Parliament at home in any legislation that might be decided upon. The resolutions adopted at

Lord Sandon's house offered a basis for compromise. The grant of £20,000,000 for compensation, was the bribe to secure the co-operation of the Colonial Legislatures; and on the 10th June, Mr. Secretary Stanley was able to inform the House that

> He had been assured by a deputation from the acting committee of West Indian proprietors (whose importance it was impossible to rate too highly), that if Parliament would consent to vote £20,000,000 to the proprietors as compensation for the loss of their property, that great Interest would give its full concurrence to the Government plan, and would use any influence it might possess over the Colonial Legislatures, in order to induce them to co-operate in the extinction of slavery.

Such, then, were the main features of the Parliamentary history of the time, and of the circumstances under which compensation was given to the West Indian (and Mauritius) proprietors.

We recite briefly the two important points:—

1. Compensation was morally due for the levying of war taxes from these Colonies in time of peace.
2. Compensation was really given as a bribe to the Colonial Legislatures, so as to prevent the raising of the cry that England was legislating adversely for her unrepresented Colonies.

Many points of incidental interest crop up as we pass along. Among others we may note that Mr. Gladstone's maiden speech in Parliament was (according to *Hansard)* upon the question of the Abolition of Slavery, and was delivered on the 17th May, 1833. Its object was to justify the treatment of slaves on his father's estate, and while admitting that the cultivation of sugar there was of a more severe character than of cotton or of coffee, pointed out that the same might be said of working in lead mines in this country. Sir George Stephen also records that on the Committee on the subject of the Apprenticeship of Emancipated Slaves, which sat in 1837, Mr. Gladstone "employed all his ingenuity to bewilder Sir John Jeremie, one of the witnesses on behalf of the advocates of absolute emancipation, but in vain. Jeremie had been educated as an advocate for the French bar," and Sir George Stephen "was persuaded that Mr. Gladstone himself would admit that in the conflict of argument Jeremie had not the worst of it."

Having now given a fairly detailed description of the nature of this great precedent of "Compensation," we may touch with lighter hand the question of compensation as dealt with in the Army Regulation Act of 1871, not only as having occurred within the memory of most of our readers, but also as having scarcely attained the dignity of a precedent—at least in comparison with the Act of 1833.

As a matter of fact the *principle* of voting compensation to the officers for the Over-regulation Prices which they were expecting to receive for the sale of their commissions, was not discussed in Parliament at all.

Mr. Cardwell, on moving the Army Estimates in Committee on 16th February, 1871—on which occasion he practically submitted the Government Army Regulation Bill to the House of Commons—distinctly implied that his sole reason for proposing to compensate the officers for these expectations (which were, he admitted, contrary to the law) was that having in the previous year proposed to do away with the ranks of cornet and ensign in the army, his scheme had met with an universal rejection in the House because he had omitted to provide for the case of Over-regulation Prices. On no stronger ground than this does he justify the Government proposals to take an extra three millions from the pockets of the taxpayers to give compensation to Army Officers.

Mr. Muntz and Mr. Rylands appear to have been alone in challenging this course, and even they had not the courage to propose that the law in respect to Over-regulation Prices should be enforced. In replying to them, however, Mr. G. O. Trevelyan, who though not in the Government seems to have spoken semi-officially on this subject, stated that—

> The Government felt that the pecuniary interests involved in the purchase system were too delicate in their nature to commit to the hazard of a long agitation. Ministers had hit exactly the right time : before this the aristocratic element was too strong, the nation would have had to pay too much. The popular element was now getting so strong that this was the last chance of not having to give too little. Public meetings understand broad and simple principles, but they are not places where you can refine or distinguish, and the compensation for the abolition of purchase is of all problems the most abstruse and complicated.

All this seems to be but a wrapping-up in fine words of the

true key to the position. Government did not want to risk an appeal to the nation, and probably would not have been justified in putting the nation to the expense of a general election on a question that only involved a matter of two-and-a-half to three millions sterling. They did not care to wait till a popular agitation sprung up; they could not abolish purchase in that House of Commons without this extra compensation, and therefore the nation must pay it.

In closing the debate on the 17th March, all that Mr. Gladstone deigned to say on the compensation question was:

> We are in conflict with a system which, strange and anomalous as it is, is in the first place very powerfully represented in this House; it is a system of so old a date, and has fitted itself into all habits and arrangements, and undoubtedly to propose to officers of the army the abolition of purchase is not a mere financial or pecuniary change, but a fresh starting point for a new career.

We have said enough to show that the insertion of compensation for Over-regulation payments in this Government measure was never argued as a question of principle. It was simply adopted because the interested class was so strong in the House of Commons; and, therefore, in considering the Parliamentary practice of giving compensation, it is vain to cite the Act abolishing purchase in the army as an Act throwing any light as to *principle* guiding such action.

Turning from the Past to the Future, we find the claim to compensation to-day emanating from the Licensed Victuallers, and from their friends the "Practical" statesmen, and the Would-be philosophers.

The claim while different in form is virtually identical in its foundation with those we have already considered, viz., to the effect that when the State from motives of policy, in view of the national weal, legislates in such a way as to give ground for anticipating injury to the pecuniary expectations of a class—that class has a right to have compensation decreed as an accompaniment of any legislation that may be decided upon.

To such claimants on the national purse, it matters nothing whether their expectations were founded on past experience of official winking at a breach of the law, as in the case of the Army Officers, or whether, as in the case of the Licensed Victuallers, they

are measured by the experience of past profits which have been possible in their full measure only through breach of law for which they have not been prosecuted,* the claim is still the same :—

"We have not kept the law—we do not expect to do so; yet we claim to be compensated to the full of the anticipated profit that under breach of law we expect to make."†

We believe the above does in no degree misrepresent nor exaggerate the real attitude of the Army Colonels and of the Licensed Victuallers in their claim for compensation.

It will be observed that this argument is entirely outside of the scope of the discussion whether Licensed Victuallers have a legal claim or no.

The tenor of their licences, which have to be renewed every year, seems to have satisfied most of our "practical" statesmen that the suggestion of a legal claim is quite inadmissible; but it is urged there is a moral claim, and the nature of the *morality* which the claim involves we indicate above.

The nature of the claim made by the slave-owners was not materially different. "It is true," said they, "that the holding in possession of human beings as chattels has been declared by the judges contrary to English law; but it has long been tolerated in the West Indian Islands, and the Home legislature has passed Acts of Parliament practically recognising this state of things [It is noteworthy that Mr. Pitt denied this statement]; therefore you cannot now withdraw recognition of it without compensating us for the injury we shall receive."

As we have seen, the claim of the West Indian proprietors on the suppression of the slave trade was similar in its nature, the only difference being, that in that case they claimed compensation for diminished facilities in cultivating their estates consequent on the stoppage of transatlantic supplies of negroes; while in the more recent case the compensation was claimed for diminished

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* The licensed victuallers receive permission to sell liquors, with the emphatic provision that drunkenness is not to be permitted; yet in the year 1874, in Liverpool, although 23,303 cases of drunkenness were reported by the police, only three publicans were convicted for permitting drunkenness. This is well known to be but a fair sample of what is going on continually throughout the country.

† As this pamphlet does not discuss the justice of the claim made, we do not enter into the question whether, if they *had* kept the law, they would be entitled to compensation.

facilities consequent on the absolute withdrawal of the privilege of using forced labour on the islands.

Now, without discussing whether there was or was not a moral claim in either of the above cases, our view, and it is one on which we would strenuously insist, is that the true statesman's attitude in regard to such claims was that expressed by Mr. Pitt in the following terms :—

(From Cobbett's *Parliamentary History of England.*)

2 April, 1792. Mr. WILBERFORCE's motion—"That it is the opinion of this committee that the trade carried on by British subjects for the purpose of procuring slaves from Africa be abolished."

Mr. PITT : I do not mean absolutely to exclude the question of indemnification, on the supposition of possible disadvantages affecting the West Indies through the abolition of the slave trade ; but when gentlemen set up a claim of compensation merely on those general allegations, which are all that I have yet heard from them, I can only answer, let them produce their case in a distinct and specific form ; and if upon any practicable or reasonable grounds it shall claim consideration, it will then be time enough for Parliament to decide upon it. . . . . Every trade act shows undoubtedly that the Legislature is used to pay a tender regard to all classes of the community. But if for the sake of moral duty, of national honour, or even of great political advantage, it is thought right by authority of Parliament to alter any long-established system, Parliament is competent to do it. The Legislature will undoubtedly be careful to subject individuals to as little inconvenience as possible, and if any peculiar hardship should arise, that can be distinctly stated and fairly pleaded, there will ever, I am sure, be a liberal feeling towards them in the Legislature of this country, which is the guardian of all who live under its protection. On the present occasion the most powerful considerations call upon us to abolish the slave trade ; and if we refuse to attend to them on the alleged ground of pledged faith and contract, we shall depart as widely from the practice of Parliament as from the path of moral duty. If, indeed, there is any case of hardship which comes within the proper cognizance of Parliament, and calls for the exercise of its liberality—well ! But such a case must be reserved for calm consideration, as a matter distinct from the present question. . . . . I shall vote, sir, against the adjournment, and I shall also oppose to the utmost every proposition which in any way may tend either to prevent or even to postpone for an hour the total abolition of the slave trade.

In accordance with this declaration, Mr. Pitt on 15th March, 1796, voted in favour of the Bill (on its being reported to the House) for the Abolition of the Slave Trade, although it was a complaint of its opponents that no clause for indemnification of the planters had been inserted.

Contrast with this, the speech of Sir Robert Peel on 13th July, 1830, on Mr. Brougham's motion :—

That this House do resolve at the earliest practicable period of the next session to take into its serious consideration the state of the slaves in the Colonies of Great Britain, in order to the mitigation and final abolition of their slavery, and more especially in order to the amendment of the administration of justice within the same.

Sir R. PEEL feared they could never confer much advantage on the slave by forced legislation. [How this reminds us of our recent friend, "You cannot make men sober by Act of Parliament."] He did not object to the motion as pledging the Parliament to a particular course, for they had a right to consider Parliament as a continuous body, though now on the eve of dissolution, they had done so in 1806 when that resolution [on the Slave Trade] was passed, which a future Parliament had recognised and carried into effect; but he thought that, except in very extraordinary and pressing cases, pledges ought not to be given, for if they were not redeemed they must operate to depreciate the character of Parliament. The resolution professed to contemplate the final abolition of slavery—a proposition to which he was unwilling to pledge himself without knowing in what manner it was to be brought about.

That was one of his objections to the motion. Another was that it said nothing about compensation. Arguing with the slave as to the right by which we held him, he must confess that he had no reply; but arguing with the West India proprietor as to the effect which the abolition of slavery must have upon his property, he would contend that the proprietors had as strong a claim to compensation as the possessor of any other description of property that could be mentioned. If it was the resolve of that House to remove the blot which he would frankly admit still rested on the national character in this respect, still he felt it ought to be accompanied by another measure, which would show that the Legislature had not in its zeal for humanity forgotten the interests of those individual proprietors which might probably be affected, if not materially injured, by its determination to effect a great change in our colonial policy.*

This speech by Sir Robert Peel is marvellously parallel with a

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* Contrast with this attitude of Sir Robert Peel the weighty utterance of Mr. Zachary Macaulay on 28th November, 1827 :—

"The general principle of compensation is a practice perfectly well understood. The particular application of that principle belongs not to Government or to Parliament, but is the proper province of the jury or of the appraisers called to examine and decide fairly on all the peculiarities of each special case."

Sir George Murray in 1831 said: "He was indisposed to entertain the claim for compensation, not only as being a proposition which was calculated chiefly for the purpose of delay, but as being in his view wholly uncalled for; the gradual change which he contemplated of the slave into a free labourer, affording, as he conceived, no ground for such a claim."

This gradual change we are aware, through the opposition of the planters, could not be carried out, and immediate emancipation became a necessity—but the advocates of the "Local Option" policy with regard to drink-selling may well claim Sir George Murray's judgment on their side, as they only look for a *gradual* abolition of drink-selling throughout the land.

speech nearly fifty years later by his great disciple Mr. Gladstone, on the 19th March, 1880, on which occasion he presented to his audience almost exactly the same reasons for refusing to vote for Sir W. Lawson's "Local Option" resolution, as his great master had given utterance to for declining to support Mr. Brougham's motion for the Abolition of Slavery in British Colonies.

Addressing a great public meeting at Dalkeith, on Friday, March 19th, Mr. Gladstone said :—

When I was here in November, I said a word upon a very practical, and, in a social point of view, important subject—the subject of local option. A gentleman who is a freeholder in the county has written to me expressing in terms of great surprise and courtesy his regret that I did not vote for the resolution of Sir Wilfrid Lawson. Gentlemen, what I said to you in November was that to the principle of local option I took no preliminary objection, but that I must consider many matters in regard to its application, among which would be strict justice to the interests which possibly the exercise of local option might injuriously affect. Now I cannot support the resolution of Sir Wilfrid Lawson, however much I respect his high patriotic motives and his high moral purpose, and however much I admire his ability and character, for these two reasons. One of them is that it contained no recognition of the fair and equitable title of those interests to be heard and allowed an opportunity of making their case for an equitable compensation, if new principles were introduced into our legislation which might bear injuriously upon their interests. . . . . But, gentlemen, there was another reason why I am wishful to explain to you, because it affects my own conduct. I have not been in the habit of voting for what are called abstract resolutions in the House of Commons until I am prepared with a plan to give them effect. I do not blame those who do so. These abstract resolutions are, I am aware, among the means of maturing and forming public opinion ; but no person in my situation, who has served in so many Governments, who has passed twenty years of his life as a responsible servant of the Crown, who has even had the honour of filling the office of First Minister of this great country during a period exceeding five years ; when a man so situated votes for an abstract resolution, those who feel an interest in the subject are entitled to say to him, "In what way will you now proceed to give effect to that abstract resolution ?" Therefore, gentlemen, until I am prepared to explain, and on reaching such a point I can make myself responsible for the proposal and support of that plan, I decline to raise false expectation by committing myself to an abstract resolution.

Mr. Gladstone, in the debate in the House of Commons on the 5th March, 1880, on the "Local Option" resolution, was even

more explicit than in the above speech as to his views on the question of compensation to licensed victuallers. He said—

I am bound to mention another point on which, though it does not embrace the whole case, I have some feeling. My hon. friend the member for Carlisle has said he is perfectly ready to entertain the question of compensation to licensed victuallers in the event of the introduction of the principle of local option. But I doubt very much whether the full exposition of his views which my hon. friend gave on the subject of compensation, when taken as a whole, would be very reassuring in the minds of hon. members. I think we ought to go as far as this. I am not prepared to say whether there is a case for compensation or whether there is not a case for compensation, because that must depend upon particulars that are not now before us. But I am prepared to say we ought not to let our prejudices against this trade and our sense of the enormous mischiefs which are associated with its working make us deviate one hair's breadth from the principle on which Parliament has acted in analogous cases, viz., that where a vested interest has been allowed to grow up the question of compensation must be entertained. I am prepared to say neither less nor more than this, that the licensed victualler should have the same fair consideration given to his case under cover of that principle, as has been given in other cases in which Parliament has awarded compensation on interfering with vested interests. When the sanction of Parliament has been given to the prosecution of a trade, we should not allow our political prejudices to interfere with the rectitude of our judgment, nor allow our feelings, however just, with respect to the liquor traffic to award a less measure of justice or indulgence to licensed victuallers than to anybody else. But I am bound to say that if we pass a resolution of this kind, which should be taken as a sort of charter, laying down the line of our future conduct, I think there should be some allusion to that subject in the terms of the resolution. When Parliament enacted negro emancipation it was preceded by a preliminary resolution, in which the principle of compensation was recognised. My hon. friend said we must wait for the claim to be raised. Parliament does not act on that principle. When facts prevented the possibility of such a claim being made, the principle was recognised in the original proceedings of Parliament. Under these difficulties I am not prepared to support the resolution, while I shall not, on the other hand, place myself in the position of giving a constructive sanction to the present law.

Again, in the debate of 18th June, 1880, Mr. Gladstone spoke as follows:—

I should have been better satisfied with the matter of the resolution if my hon. friend had included in it some reference to the principle of equitable compensation. I don't want my hon. friend to commit himself upon that point, but I want a recognition of the principle that we are not to deny to publicans as a class the benefit of equal treatment, because we think their trade is at so many points in contact with, and even sometimes productive of great public

danger. Considering the legislative right they have acquired, they ought not to be placed at a disadvantage on account of the impression we may entertain, in many cases too justly, in relation to the mischiefs connected with the present licensing system and the consumption of strong liquors as it is now carried on.

All these speeches show perfect unity between Mr. Gladstone's views as to compensation and those expressed by Sir Robert Peel fifty years earlier. We have already seen that Mr. Gladstone's statement—in reply to Sir W. Lawson's argument that we "must wait for the claim to be raised"—"that Parliament does not act on that principle," is in fact broader than the actual case allows. Since the first Reform Bill, Parliament, it is true, has "not acted on that principle," but in 1792 and 1807 we have seen that not only did Parliament act on the principle, but that such statesmen as Mr. Pitt and Lord Howick (better known as Earl Grey) refused to entertain the claim to compensation, precedent to legislation, and insisted that (as Sir W. Lawson urged) it *was* the part of Parliament to wait till the claim arose. Lord Howick went even further, and stated "that it was *contrary* (!) to the practice of Parliament to declare *beforehand* what might be the amount of Compensation to be granted for possible losses by any general measures of political regulation, or national policy which Parliament might adopt."

When to the high authority of these statesmen we can add the carefully considered judgment of a Zachary Macaulay and the declaration of Sir George Murray, we feel that we are abundantly justified in preferring the judgment of these statesmen of renown even to that of the greatest of living statesmen. Moreover, in this connection we are justified in recalling, that in 1833 Mr. Gladstone's was the first voice (at all above the rank of mediocrity) to express the hope that the House of Commons "would adopt the principle of compensation." This seems to imply that in those days the principle was not such a matter of course as Mr. Gladstone in 1880 declares it to be. We, at least, claim freedom to go back to a time when Mr. Gladstone's influence had not been exerted in this direction, and rest on a principle which was upheld by the two great party leaders of eighty years ago, Mr. Pitt and Earl Grey. Mr. Gladstone has so long been the master mind of the great Liberal party that it is not till we go back thus to the events of half a century ago that we clearly recall the Tory (or rather Peelite)

influences which have moulded much of his judgment. On many points, no doubt, he has emancipated himself from the effects of that early education, but the question must arise—Has he, on this question, broken with the past? In view of his recent utterances we are compelled to doubt it, and no wonder that a philosopher-patriot like F. W. Newman should deem it needful under such circumstances to warn his countrymen in such words as these:—

No publican ever receives a licence to sell intoxicating drink for any previous services which he has done, nor for any personal virtue, but because it is presumed that the public interest needs him. He never receives a licence to last more than twelve months, and Mr. E. N. Buxton tells us that the licence confers a great additional pecuniary value on the house. This the publican, or the brewer behind him, receives gratuitously. What epithet but impudent justly describes the conduct of a man who declares that because a privilege is gratuitously granted him for twelve months, therefore he has a right to it for a perpetuity? and that if it is not renewed he has a just claim to compensation? The difficulty of reasoning against such pretensions is precisely the same as we encounter when an audacious man proclaims that manstealing is legitimate. One knows not from what first principles to argue against men of this class.

Empty, baseless, monstrous as is this claim of compensation, we cannot shut our eyes to the extreme danger that such men as Mr. Gladstone and Mr. Bright may suddenly spring upon us a most iniquitous measure of pretended reform which practically sustains the vicious system. "Monstrous" is not too strong an epithet for this claim in the mouths of men whose trade is a nuisance to every neighbourhood. It is absolutely clear that if compensation is to be asked at all, it is to be asked *from* the brewers and distillers who have fattened on the public misery, *for* the owners of houses whose rent the drinkshops have depressed; we cannot ask it for the families who have been made destitute, simply because the problem is too indefinite. How are we to account for the phenomenon, at first sight inexplicable, that minds such as those of these two statesmen are upholding so iniquitous a proposal as the claim of compensation to the men who ought rather to compensate others? The only plausible explanation is probably the true one. Ministers who have to legislate, may legislate on administrative details fairly enough; but to allow to them the lead in questions which involve justice is a fatal mistake into which our constitution has drifted. They cannot afford to study pure justice. They may wish for it in the abstract, and talk fine about it. But when it comes to the point of action they are sure to calculate how many interests they will offend. Therefore we may suddenly find an elaborate scheme of compensation provided for us.

And again:—

"Now, in comparing and contrasting the Slave Trade and Slavery with the Drink Traffic, it is instructive to see that the baneful system in each case

arose out of *Executive unfaithfulness*, disobeying and overriding Parliamentary Statute, and that the pernicious claim is in each case advanced that the Executive malversation imposes on the Legislature the moral duty of *legalizing* that malversation, and *buying back*, at enormous cost, the right of pronouncing its nullity. I think it very needful to insist that a chronic malversation of the magistrates has taken place in not seriously studying, at every Brewster Sessions, *how best to prevent* drunkenness, and in not appointing to licences every year, with wholly fresh judgment, allowing nothing to weigh against the paramount object, Public Morality. (Of course this remark does not apply where the law has taken power out of the magistrate's hands in the matter of off licences.)

While, then, strenuously insisting that the question of compensation ought not to be allowed for a moment to delay Parliamentary legislation, giving that power to the people to "restrain" the licensing authorities from "the issue or renewal of licences," which the nation, through Parliament, has twice demanded—we must repeat in regard to this question, the already-quoted judgment of the Abolitionist Macaulay. We admit that sellers of intoxicating liquors, in the event of the enactment of legislation leading to a suppression of their business, have a right to prefer, and, if they can, to establish, a claim to compensation; and that if they succeed in proving the justice of such a claim, Parliament is bound to indemnify them. But we have never admitted, nor indeed do we believe, that it will be in their power to establish such a claim. Still they have a right to do so if they can. What the result of the application would be, is a perfectly different question, concerning which it will be time to form a judgment when they produce their case.

In conclusion, let us consider in what respect the idea that legislation in regard to the liquor traffic on the basis of the "Local Option" resolution, (as understood by the United Kingdom Alliance, and interpreted by Sir Wilfrid Lawson,) must be accompanied by legislative provision for compensation—does or does not find a justification in the history of Parliamentary procedure on the negro question.

1. The West Indian proprietor was not represented in the reformed Parliament, but the publican is represented in the present House of Commons.

Compensation was voted in 1833 to induce Colonial Legis-

latures in which the West Indian proprietors *were* represented to conform their legislation to that of the Imperial Parliament.

The publicans being represented in our Parliament, there is no parallel in their case, in this respect, with the planters' case in 1833.

2. The West Indian planters had a moral claim on the Imperial Parliament for compensation in view of the accumulating impoverishment that the maintenance of war taxes in time of peace had inflicted on them, such taxes having been exacted solely for the sake of the revenue of the mother-country.

The publicans have no such moral claim on the Imperial Parliament of to-day.

3. The West Indian planters found that the legislation of 1807, prohibiting the Slave Trade, so far from impoverishing them, as they predicted would be the case, to the amount of one hundred millions, materially enhanced their prosperity.

To-day, temperance reformers maintain that the prohibition of the liquor traffic by local popular veto under local option legislation, will develop the prosperity of this nation by "leaps and bounds" on such an unexampled scale (when *annually* from one to two hundred millions of pounds sterling shall be cumulatively saved to the nation) that licensed victuallers, and other sellers of intoxicating liquors, will find such an extraordinary development of prosperity from such portions of their business as do not consist of the sale of alcoholics as will far more than compensate them for loss of profit on these articles; while for the comparatively* few who depend exclusively on the sale of alcoholics, so many openings will present themselves that they will no more think of presenting to Parliament a claim for compensation, than did the West India planters after the abolition of the slave trade had become a *fait accompli.*

4. As the policy of Mr. Pitt and Lord Howick was amply justified by the result, we claim that Mr. Gladstone and Mr. Bright would but do themselves justice to adopt the same policy.

5. As Sir George Murray claimed that in view of the gradual emancipation which, in 1831, he contemplated, "there was no ground for the demand for compensation," so in the gradual

* Out of 185,000 liquor-sellers, the licensed victuallers, the grocers, and nearly all beerhouse-keepers have other sources of income than the profit on the sale of alcoholics.

emancipation of the parishes of the United Kingdom from the curse of the liquor traffic, we may claim that there is "no ground for the demand for compensation," as drink-sellers will be only gradually eliminated from parish after parish, and failing better employment in their own parishes, they will find vacancies* in abundance in other parishes, in which "local option" has not yet been translated into "local veto."

Finally, we may express the earnest desire that the present Prime Minister may accept the judgment of his great predecessors in the offices which he now holds—and while admitting that the Legislature can but hold itself open to listen to properly-established claims for compensation when the desired legislation is accomplished,—he should insist that no such question should be permitted to "postpone for an hour" the "just and reasonable" legislation which the House of Commons has demanded.

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*Ten per cent of the holders of licences change every year, so that even at the present time, while the traffic is not under the ban of law, vacancies are constantly occurring.

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